

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In The Matter Of:)	
)	
Pamela Alisah Covington)	Case Number: 16-43213-659
)	
Debtor)	
)	
Home Point Financial Corporation, or its)	Chapter 13 #32
successors and assigns)	
)	Hearing Date: August 20, 2018
)	Continued: September 17, 2018
Movant,)	
)	
vs.)	<u>CONSENT ORDER AND</u>
)	<u>STIPULATION</u>
Pamela Alisah Covington)	
)	
and)	
)	
Diana S. Daugherty)	
)	
Trustee)	
)	
Respondents)	
)	

CONSENT ORDER AND
STIPULATION IN SETTLEMENT OF MOTION FOR RELIEF

COME NOW, the parties and agree to the following in the settlement of the
Movant's Motion for Relief:

1. A Motion for Relief from the Automatic Stay was filed by Movant on or about July 24, 2018. The property known as 11551 Criterion Ave, Saint Louis, MO 63138-2412, being the subject of said motion.
2. The parties agree that the total post-petition delinquency including fees and costs is \$4,727.92 through September 1, 2018. A breakdown of the delinquency is as follows:

6 payments @ \$658.67 (4/1/18 – 9/1/18)	\$3,952.02
Suspense Balance	(\$5.10)
MFR Attorney Fees	\$600.00
MFR Attorney Costs	\$181.00
Total	\$4,727.92

Movant is not adequately protected if post-petition payments are not made by the Debtor.

3. Debtor will make a down payment in the amount of \$900.00 and will cure the remaining post-petition delinquency of \$3,827.92 by making the following additional payments no later than the dates indicated in this paragraph.

DUE DATE	AMOUNT DUE
September 15, 2018	\$425.32
October 15, 2018	\$425.32
November 15, 2018	\$425.32
December 15, 2018	\$425.32
January 15, 2019	\$425.32
February 15, 2019	\$425.32
March 15, 2019	\$425.32
April 15, 2019	\$425.34
May 15, 2019	\$425.34

4. Debtor shall make all monthly post-petition payments as they become due beginning October 1, 2018 to the address provided by Movant, or its successors and assigns in the monthly mortgage statement.

5. Movant's attorney fees and costs sought in the Motion, or any balance thereon, are included in the total post-petition arrearages stated above and are hereby granted and assessed against the Debtor in the total amount of \$781.00.

6. Movant, or its successors and assigns is authorized by the Debtor to mail to Debtor: (1) monthly mortgage statements; (2) account statements including an escrow analysis; and (3) notices regarding address or payment changes provided such a change is authorized by the Note and Deed of Trust. Consent is given by the Debtor to direct contact by mail for purposes of receiving this information and waives any claim for violation(s) of the automatic stay regarding the same.

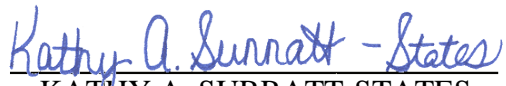
7. The terms of this Stipulation and the agreement reached between the parties shall remain in effect so long as the automatic stay remains in effect as to this Movant, or its successors and assigns. In the event the automatic stay shall no longer remain in effect as to Movant, or its successors and assigns, this Stipulation shall become null and void. In the event the case is converted to another Chapter under Title 11 and pre-petition and post-petition arrearages remain unpaid, Movant, or its successors and assigns shall be granted relief from the automatic stay after providing the notice as set forth in the following paragraph.

It is Ordered, Adjudged and Decreed that upon failure of the Debtor to comply with any of the conditions specified in this Stipulation and Order, the Movant, or its successors and assigns shall file a written Notice of Breach with the Court, and serve a copy upon the Trustee, counsel for the Debtor, and the Debtor. Such Notice shall include a statement of any alleged breach, including an itemization of all delinquent payments and the total amount necessary to cure the breach. Movant, or its successors and assigns shall be allowed attorney fees in the amount of \$50.00 for the preparation of any Notice of Breach under this paragraph and such fees shall be included in the total amount required to cure the delinquency. Movant, or its successors and assigns shall be allowed additional attorney fees in the amount of \$100.00 for attendance at each hearing related to a Notice of Breach.

It Is Further Ordered, Adjudged and Decreed that if the delinquency is not cured in full or an objection is not filed to the Notice of Breach within 14 (fourteen)

calendar days of the date of the Notice, Movant, or its successors and assigns shall be entitled to immediate relief from the automatic stay of 11 U.S.C. §362(a) without further notice or hearing upon entry of an order for relief. For such purposes, Movant, or its successors and assigns shall be free to exercise all of its rights and remedies under the Promissory Note, Deed of Trust, or as may otherwise be provided for by law. An order entered under this paragraph shall not be stayed until the expiration of 14 days after the entry of the order. All other relief requested by Movant is hereby denied without prejudice as settled.

SO ORDERED:


KATHY A. SURRATT-STATES
Chief United States Bankruptcy Judge

DATED: September 19, 2018
St. Louis, Missouri
mtc

Order Prepared and Submitted by:
Millsap & Singer, LLC

/s/ Sandra Moore-Dyson
Sandra Moore-Dyson
The Law Office of Sandra Moore-Dyson
Attorney for Debtor
1515 N. Warson Rd. Ste. 292
St. Louis, MO 63132
Telephone: 314-942-3274
Facsimile:
smooredyson@gmail.com

/s/ William T. Holmes, II
Cynthia M. Kern Woolverton, #47698, #47698MO
William T. Holmes, II, #59759, #59759MO
Stewart C. Bogart, #67956, #67956MO
Attorneys for Movant
612 Spirit Drive
St. Louis, MO
Telephone: (636) 537-0110
Facsimile: (636) 537-0067
bkty@msfirm.com

COPIES TO:

Cynthia M. Woolverton
William T. Holmes, II
Stewart C. Bogart
Attorneys for Movant
612 Spirit Drive
St. Louis, MO 63005

Pamela Alisah Covington
11551 Criterion
Saint Louis, MO 63138

Sandra Moore-Dyson
The Law Office of Sandra Moore-Dyson
Attorney for Debtor
1515 N. Warson Rd. Ste. 292
St. Louis, MO 63132

Diana S. Daugherty
Office of the Chapter 13 Trustee
Chapter 13 Trustee
P. O. Box 430908
St. Louis, MO 63143

Office of the U.S. Trustee
Thomas F. Eagleton U.S. Courthouse
111 South 10th St., Suite 6353
St. Louis, MO 63102